HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7219 of 2006

Dated:17.11.2006

Between:

K.Suresh Babu.

…Petitioner

and

Govt.of A.P., and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7219 of 2006

ORDER:

The petitioner submits that the land in Survey Nos.6/A, 7/A, 8/A, 68/A, 69/A and 70/A admeasuring Acs.12.39 guntas situated at Gandhamguda Village, Rajendranagar Mandal, in Ranga Reddy District, was originally held by his grandfather Sri K.Nagagiah, who seems to have agreed to sell the property admeasuring Acs.10.11 guntas to the third respondent vide document No.103/1978, dated 22.03.1978. The petitioner contends that the said document does not pass on the title, because, as per the clauses in the alleged document, necessary permission to alienate under Section 26(1) of the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the ULC Act'), has to be obtained from the competent authority, and the petitioner's grandfather has not obtained the same. While so, the third respondent seems to have obtained mutation from the Mandal Revenue Officer (MRO), Rajendranagar Mandal. In the meanwhile, as the petitioner's grandfather died, the petitioner along with other legal heirs approached the MRO with an application for a copy of the proceedings of mutation in favour of the third respondent. The petitioner alleges that the MRO returned the said application stating that the said proceedings are not available and the same cannot be furnished to

them. Aggrieved by the same, an appeal was filed before the Revenue Divisional Officer, Ranga Reddy District, which is still pending. The petitioner alleges that the third respondent approached the first respondent for getting exemption in terms of G.O.Ms.No.455, dated 29.07.2002, on the basis of possession and mutation. It is further alleged that without any notice to the petitioner, the first respondent granted exemption to an extent of 24,709.28 square metres in Survey No.6/A of Gandamguda Village, in favour of the third respondent, vide G.O.Ms.No.345, dated 19.03.2005. It is also the case of the petitioner that on coming to know about the issuance of G.O.Ms.No.345, dated 19.03.2005, the petitioner along with other legal heirs filed a suit, being O.S.No.423 of 2005, for declaration and recovery of possession, before the II Additional District Judge, Ranga Reddy, which is still pending. The petitioner alleges that the third respondent is trying to alienate the said land under the guise of G.O.Ms.No.345, dated 19.03.2005. The petitioner therefore, seeks a writ of mandamus declaring G.O.Ms.No.345, dated 19.03.2005, as arbitrary and illegal, and also prays to set aside the same.

A perusal of the impugned order would show that the third respondent submitted an application seeking allotment under Section 23(4) of the ULC Act in accordance with the guidelines contained in G.O.Ms.No.455, dated 29.07.2002. The Government called for the report from the second respondent, who submitted such report on 20.11.2004 along with the proposals for allotment of excess vacant land. The third respondent also paid a total sum of Rs.4,30,000/-, and considering the same, the Government issued orders allotting the land to the third respondent. The petitioner contends that his grandfather was the owner of the subject land. The petitioner admits that the subject land was already acquired and therefore, this Court is not able to appreciate the *locus standi* of the petitioner to impugn G.O.Ms.No.345, dated 19.03.2005. Even according to the petitioner, the third respondent purchased the property under a sale agreement and sought allotment/regularization. His request was enquired into and the second respondent submitted proposals, which were accepted by the Government. The petitioner has approached civil Court and he has to seek appropriate declaration there. Insofar as the impugned Government Order is concerned, the same is in accordance with the guidelines in G.O.Ms.No.455, dated 29.07.2002, and the same cannot be assailed by the petitioner.

The Writ Petition, for the above reasons, is dismissed. No costs.

_____

(V.V.S.RAO, J)

17.11.2006
vs